IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 303 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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PRANDAS BHOLIDAS PATEL

Versus

DASHRATHBHAI PRANDAS PATEL

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Appearance:

1. Civil Revision Application No. 303 of 2002

MR PRABHAKAR UPADYAY for Petitioner No. 1-3

MR MB GANDHI for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE M.H.KADRI

Date of decision: 25/11/2003

ORAL JUDGEMENT

1. Rule. Learned advocate for respondent Mr. M.B. Gandhi, waives service of rule. By consent of the

learned advocates, this Revision Application is finally disposed of.

2. The petitioners, by filing this Revision Application, have challenged the order dated 16th February 2002 of the learned Civil Judge [J.D.] Kalol passed below application Exh. 38 in Regular Darkhast No. 35 of 1996. By the said order, the petitioners, for the breach of the order passed below Exhs. 26 and 27 were ordered to undergo simple imprisonment of one month.

3. It is stated by the learned counsel for the respondent Mr. M.B. Gandhi that the petitioners have already complied with the impugned order inasmuch as the petitioners have already deposited Rs.75,000/_ which was the share of the respondent in the Kisan Vikas Patra and the said amount has already been withdrawn by the respondent. It is also submitted by Mr. Gandhi that pursuant to the order dated 13.11.1998 the petitioners have also furnished surety of Rs.10,000/_ as directed by the trial Court.

4. As the petitioners have already complied with the order passed below Exhs. 26 and 27, the impugned order sentencing them to imprisonment for the breach of the order deserves to be quashed and set aside. As a result of the foregoing discussion, the impugned order dated 16th February 2002 passed by the learned Civil Judge [J.D.] Kalol passed below application Exh. 38 in Regular Darkhast No. 35 of 1996 is quashed and set aside.

Rule made absolute. No order as to costs.

[ M.H. KADRI, J. ]

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